

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

IN RE:

Sean Thomas Dungey

S.S.# xxx-xx-1127

CASE NO. 16-21600

CHAPTER 13

JUDGE DANIEL S. OPPERMAN

**PLAN SUMMARY**

*For informational purposes only.*

ACP: 60 Months

Minimum Plan Length: 60 Months

Plan payment: \$ 863.00 per Month

Minimum dividend to Class 9 Creditors \$ 0.00

Percentage of Tax Refunds committed 100%

Debtor(s)

**CHAPTER 13 PLAN**

☒ Original

**OR**

☐ Pre-Confirmation Modification #

☐ Post-Confirmation Modification #

**NOTICE TO CREDITORS:**

**YOUR RIGHTS MAY BE AFFECTED. THIS PLAN MAY BE CONFIRMED AND BECOME BINDING WITHOUT FURTHER NOTICE OR HEARING UNLESS A TIMELY WRITTEN OBJECTION IS FILED. READ THIS DOCUMENT CAREFULLY AND SEEK THE ADVICE OF AN ATTORNEY.**

**I. STANDARD MODEL PLAN; INCORPORATION OF ADDITIONAL TERMS, CONDITIONS AND PROVISIONS; ALTERATIONS NOTED:**

- A. **THIS PLAN IS SUBJECT TO AND INCORPORATES BY REFERENCE THE ADDITIONAL TERMS, CONDITIONS AND PROVISIONS WHICH MAY BE FOUND AT WWW.13EDM.COM or WWW.MIEB.USCOURTS.GOV.**

**INTERESTED PARTIES MAY ALSO OBTAIN A WRITTEN COPY OF THE ADDITIONAL TERMS, CONDITIONS AND PROVISIONS APPLICABLE TO CHAPTER 13 PLANS FROM DEBTOR'S COUNSEL UPON WRITTEN REQUEST.**

- B. This Plan conforms in all respects to the Standing Chapter 13 Trustees' Model Plan which is referenced in Administrative Order 12-05 issued by the U.S. Bankruptcy Court for the Eastern District of Michigan. Those sections of this Plan that vary from the Model Plan are listed in this paragraph (any alterations not stated in this section are void):

**II. APPLICABLE COMMITMENT PERIOD; PLAN PAYMENTS; PLAN LENGTH; EFFECTIVE DATE AND ELIGIBILITY FOR DISCHARGE:**

- A. ☒ Debtor's Current Monthly Income exceeds the applicable State median income. Debtor's Applicable Commitment Period is 60 months. Debtor's Plan Length shall be **60 months** from the date of entry of the Order Confirming Plan. *See Paragraph J of the Additional Terms, Conditions and Provisions for additional information regarding Completion of Plan.*
- B. Debtor's plan payment amount is **\$863.00** per month.
- C. Future Tax Refunds. *See Paragraph A of the Additional Terms, Conditions and Provisions for additional information regarding Tax Refunds and Tax Returns.*

**FOR CASES ASSIGNED TO BAY CITY DIVISION:** Check only one box. If none are checked or more than one box is checked, paragraph 2 shall apply:

1. ☐ Debtor's Plan proposes a 100% dividend to unsecured creditors. Therefore, Debtor is not required to remit any future tax refunds.
2. ☐ Debtor's Plan proposes less than a 100% dividend to unsecured creditors and Debtor's Schedule I *does not* include a pro-ration for anticipated tax refunds. Debtor will remit 50% of all Federal and State Tax Refunds that Debtor receives or is entitled to receive after commencement of the case.
3. ☒ Debtor's Plan proposes less than a 100% dividend to unsecured creditors and Debtor's Schedule I *includes* a proration for anticipated Federal Tax Refunds. Debtor will remit 100% of all Federal and State Tax Refunds that Debtor receives or is entitled to receive after commencement of the case to the extent the refund exceeds the sum of twelve times the amount of the Federal and State Tax Refund pro-ration shown in Schedule I.

D. NA

E. NA

**III. DESIGNATION AND TREATMENT OF CLASSES OF CLAIMS:** See Paragraph F of the Additional Terms, Conditions and Provisions for additional information regarding the order in which claims are to be paid.

A. **Class One – TRUSTEE FEES** as determined by statute.

B. **Class Two – ADMINISTRATIVE CLAIMS, INCLUDING ATTORNEYS FEES AND COSTS:**

**1. PRE-CONFIRMATION ATTORNEY FEES:** At confirmation of the Plan, Counsel shall elect to either:

- a. In lieu of filing a separate fee application pursuant to 11 USC §327 and §330, accept the sum of \$ **3,5000.00** for services rendered plus \$ **0.00** for costs advanced by Counsel, for total Attorney Fees and Costs of \$ **3,500.00** through the Effective Date of the Plan. The total Attorney Fees and Costs less the sum of paid to Counsel prior to the commencement of this case as reflected in the Rule 2016(b) Statement leaving a net balance due of \$ **3,500.00**, will be paid as an Administrative Expense Claim; **or**
- b. Request an award of compensation for services rendered and recovery of costs advanced by filing a separate Application for Compensation for services rendered up through the date of entry of the Order Confirming Plan pursuant to 11 USC §327 and §330. If Counsel elects to file a fee application pursuant to this sub-paragraph, the Trustee shall escrow \$**0.00** for this purpose. See Paragraph B of the Additional Terms, Conditions and Provisions for additional information.

**2. POST-CONFIRMATION ATTORNEY FEES:** See Paragraph D of the Additional Terms, Conditions and Provisions for additional information.

**3. RETENTION OF OTHER PROFESSIONALS FOR POST-PETITION SERVICES:** NA

**4. OTHER ADMINISTRATIVE EXPENSE CLAIMS:** Any administrative expense claims approved by Order of Court pursuant to 11 USC §503 shall be paid as a Class Two administrative claim. See Paragraph E of the Additional Terms, Conditions and Provisions for additional information.

C. **CLASS THREE – SECURED CLAIMS TO BE STRIPPED FROM THE COLLATERAL AND TREATED AS UNSECURED CLAIMS TO BE PAID BY TRUSTEE.** NA

D. **CLASS FOUR - SECURED CLAIMS ON WHICH THE LAST CONTRACTUAL PAYMENT IS DUE BEYOND THE LENGTH OF THE PLAN.** 11 USC §1322(b)(5). NA

E. **CLASS FIVE - SECURED CLAIMS ON WHICH THE LAST PAYMENT WILL BECOME DUE WITHIN THE PLAN DURATION.** 11 USC §1322(c)(2). (See Paragraph H, Paragraph L and Paragraph O of the Additional Terms, Conditions and Provisions for additional information):

**1. Creditors to be paid Equal Monthly Payments, 11 USC §1325(a)(5)(B):**

<u>Creditor/Collateral</u>	<u>Indicate if modified or surrendered</u>	<u>Market value of collateral</u>	<u>Interest Rate (Present Value Rate)</u>	<u>Total to be paid Including Interest</u>	<u>Monthly Payment</u>	<u>Direct or Via Trustee</u>
<b>First Area C U/1992 Honda</b>	<b>Modified</b>	<b>3,446.00</b>	<b>5.50%</b>	<b>3,949.20</b>	<b>65.82</b>	<b>Trustee</b>
<b>Sag Med Fed CU/2010 Ram</b>	<b>Modified</b>	<b>23,283.00</b>	<b>5.50%</b>	<b>22,734.60</b>	<b>378.91</b>	<b>Trustee</b>

**2. Creditors not to be paid Equal Monthly Payments, 11 USC §1325(a)(5)(A):**

<u>Creditor/Collateral</u>	<u>Indicate if "crammed", modified or surrendered</u>	<u>Market value of Claim</u>	<u>Interest Rate (Present Value Rate)</u>	<u>Total to be paid including interest</u>	<u>Estimated Average Monthly Payment</u>	<u>Direct or Via Trustee</u>
<b>State of MI / BLanket</b>	<b>NA</b>	<b>1050.00</b>	<b>4%</b>	<b>1,116.00</b>	<b>NA</b>	<b>Trustee</b>

**F. CLASS SIX – EXECUTORY CONTRACTS AND/OR UNEXPIRED LEASES. 11 USC §§365, 1322(b)(7): NA**

**G. CLASS SEVEN – PRIORITY UNSECURED CLAIMS. 11 USC §§507, 1322(a)(2).**

**1. Domestic Support Obligations: Continuing Payments that come due on and after the date of the Order for Relief:**

<u>Creditor</u>	<u>Monthly Payment</u>	<u>Direct or Via Trustee</u>
<b>MISDU/ Sag FOC</b>	<b>269.00</b>	<b>Direct</b>

**2. Domestic Support Obligations: Pre-Petition Arrearages due as of the filing of the Order for Relief: NA**

**3. All Other Priority Unsecured Claims [11 U.S.C. §1322(a)(2)]**

<u>Creditor</u>	<u>Amount</u>	<u>Direct or Via Trustee</u>
<b>Internal Revenue Service*</b>	<b>14,000.00 (Est)</b>	<b>Trustee</b>
<b>State of Michigan</b>	<b>4,000.00 (est)</b>	<b>Trustee</b>

**H. CLASS EIGHT – SEPARATELY CLASSIFIED UNSECURED CLAIMS. 11 USC §1322(b)(1): NA**

**I. CLASS NINE - GENERAL UNSECURED CLAIMS** *(to be paid by Trustee)*: The plan shall pay the Unsecured Base Amount.

**IV. OTHER PROVISIONS:**

**A. Judgment/ Statutory Liens.** The judgment lien or any statutory lien including the lien recorded at Liber 2718; Page 2324 in the Saginaw County Register of Deeds shall be treated pursuant to MCLA 600.2809(6)(d).

**/s/ Michael J Shovan**

**Michael J Shovan P43362**

Attorney for Debtor

**4015 State Street**

**Saginaw, MI 48603**

Street Address

**Saginaw, MI 48603-0000**

City, State and Zip Code

**mike@mikeshovan.com**

E-Mail Address

**(989) 233-9389**

Phone Number

**/s/ Sean Thomas Dungey**

**Sean Thomas Dungey**

Debtor

Joint Debtor

**9/10/2016**

Date

## ATTACHMENT 1

### LIQUIDATION ANALYSIS AND STATEMENT OF VALUE OF ENCUMBERED PROPERTY

TYPE OF PROPERTY	FAIR MARKET VALUE	LIENS	DEBTOR'S SHARE OF EQUITY	EXEMPT AMOUNT	NON-EXEMPT AMOUNT
PERSONAL RESIDENCE					
REAL ESTATE OTHER THAN PERSONAL RESIDENCE					
HHG/PERSONAL EFFECTS					
JEWELRY					
CASH/BANK ACCOUNTS					
VEHICLES					
OTHER (itemize)					
Preference payments to Mary Jane Elliot re: Case No. 12-3480-CV-2					
OTHER (total)				ALL EXEMPT	

Amount available upon liquidation .....	\$	
Less administrative expenses and costs .....	\$	
Less priority claims .....	\$	
Amount Available in Chapter 7 .....	\$	0.00

**ATTACHMENT 2**

CHAPTER 13 MODEL WORKSHEET  
LOCAL BANKRUPTCY RULE 3015-1(B)(2 E.D.M.)

1.	Length of Plan is	<u>60</u>	months	
2.	Initial Plan Payment:			
				<b>\$863.00 per month x 2 months = \$1,736.00</b>
3.	Additional Payments:	<u>\$863.00</u>	per mo x 60 =	<u>\$51,780.00</u>
4.	Lump Sums:			<u>\$0.00</u>
5.	Total to be paid into Plan (total of lines 2 through 4)			<u>\$53,506.00</u>
6.	Estimated Disbursements other than to Class 9 General Unsecured Creditors			
	a. Estimated trustee's fees	<u>\$2,900.00</u>	5.4%	
	b. Estimated Attorney Fees and costs through confirmation of plan	<u>\$3,500.00</u>		
	c. Estimated Attorney Fees and costs Post-confirmation through duration of Plan	<u>\$0.00</u>		
	d. Estimated Fees of Other Professionals	<u>\$0.00</u>		
	e. Total mortgage and other continuing secured debt payments	<u>\$0.00</u>		
		<b>\$3,949.00</b>	First Area CU	
		<b>22,735.00</b>	Sag Med Fed CU	
	f. Total non-continuing secured debt payments (including interest)	<u>1,116.00</u>	State of MI (Est @ 4%)	
		<b>\$14,000.00</b>	IRS (Est)	
	g. Total priority claims	<u>\$4,000.00</u>	State of MI (Est)	
	h. Total arrearage claims	<u>\$0.00</u>		
7.	Total Disbursements other than to Class 9 General Unsecured Creditors (Total of lines 6.a through 6.h)			\$ <u>52,200.00</u>
8.	Funds <i>estimated</i> to be available for Class 9 General Unsecured Creditors (item 5 minus item 7)			\$ <u>1,306.00</u>
9.	Estimated dividend to Class 9 General Unsecured Creditors in Chapter 7 proceeding (see liquidation analysis on page 6)			\$ <u>0.00</u>

COMMENTS:

**United States Bankruptcy Court**  
**Eastern District of Michigan**

In re **Sean Thomas Dungey**

Debtor\*

Case No. **16-21600**Address **215 Crawford Drive**  
**Merrill, MI 48637**Chapter **13**Last four digits of Social-Security or Individual Taxpayer-  
Identification (ITIN) No(s), (if any): **xxx-xx-1127**

Employer Tax Identification (EIN) No(s). (if any): \_\_\_\_\_

**ORDER CONFIRMING CHAPTER 13 PLAN**

The debtor's plan was filed on \_\_\_\_\_ (date), and was modified on \_\_\_\_\_ (date). The plan or a summary of the plan was transmitted to creditors pursuant to Bankruptcy Rule 3015. The court finds that the plan meets the requirements of 11 U.S.C. § 1325.

**IT IS ORDERED THAT:**

The debtor's chapter 13 plan is confirmed, with the following provisions:

**1. Payments:**

Amount of each payment: \$ \_\_\_\_\_

Due date of each payment: the

☐ \_\_\_\_\_ day of each month, or

☐ \_\_\_\_\_

Period of payments:

☐ \_\_\_\_\_ months,

☐ until a \_\_\_\_\_% dividend is paid to creditors holding allowed unsecured claims, or

☐ \_\_\_\_\_

Payable to:

\_\_\_\_\_  
 \_\_\_\_\_ Standing Trustee  
 \_\_\_\_\_  
 \_\_\_\_\_

**2. Attorney's Fees:**

The debtor's attorney is awarded a fee in the amount of \$ \_\_\_\_\_, of which \$ \_\_\_\_\_ is due and payable from the estate.

3. [Other provisions as needed] \_\_\_\_\_

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Bankruptcy Judge*

*\*Set forth all names, including trade names, used by the debtor(s) within the last 8 years. For joint debtors, set forth the last four digits of both social-security numbers or individual taxpayer-identification numbers.*

**United States Bankruptcy Court  
Eastern District of Michigan**

In re **Sean Thomas Dungey**

Debtor(s)

Case No. **16-21600**

Chapter **13**

**CERTIFICATE OF SERVICE**

I hereby certify that on **9/19/2016**, a copy of **DEBTOR'S ORIGINAL CHAPTER 13 PLAN & PROPOSED OCP** was served electronically or by regular United States mail to all interested parties, the Trustee and all creditors listed on the matrix including the debtor.

**/s/ Michael J Shovan**

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